

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2004/000898

International filing date (day/month/year)
18.06.2004

Priority date (day/month/year)
18.06.2003

International Patent Classification (IPC) or both national classification and IPC
G06F3/00

Applicant
ZI CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

Kirsten, K

Telephone No. +49 30 25901-424



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-28
Inventive step (IS)	Yes: Claims	
	No: Claims	1-28
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document: D1 : WO 01/45034
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
 - 2.1 Document D1 discloses (the references in parentheses applying to this document):
A text entry system (10) with:
 - a display (13) visually divided into two functional areas (see e.g. figure 9; page 11, paragraph 3 and page 12, line 7-15), a first of the functional areas corresponding to a first aspect of entering text, and a second of the functional areas corresponding to a second aspect of entering text;
 - an indicator (12) system operable by one human digit, the indicator system having at least a first cardinal state, a second cardinal state and a third cardinal state, the third cardinal state having no textual meaning with it; (see e.g. figures 1,2,5, for indicator states; the system described in D1 has e.g. selection options, which is not directly "textual")
 - a processor (11) responsive to each cardinal state, whereby the indicator system may be used to select options displayed in at least one of the functional areas;
 - a program (see e.g. figure 3) controlling the processor so that text may be entered in response to a user selecting at least one of the options.
3. Independent claims 15,22 correspond to independent claim 1, and same reasoning regarding novelty can be applied. Thus, the subject-matter of claims 25,22 is not novel. (Article 33(2) PCT).
4. The dependent claims 2-14,16-21,23-28 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements

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of the PCT in respect of novelty and inventive step because the subject-matter of these claims are disclosed in D1. (Article 33(2) PCT).

Re Item VIII

Certain observations on the international application

1. Although claims 15,22 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the above mentioned claims do not meet the requirements of Article 6 PCT.
2. The application does not meet the requirements of Article 6 PCT, because claims 1,15,22 and the dependent claims are not clear. The expressions "cardinal states" (claim 1,15,22) and "textual meaning" (claim 1) are unclear. The expression "cardinal state" is used in the claims (including the dependent claims) in connection with "functional areas", "categories", "options", "aspect", "mode", "meaning", "position" without providing any explanation what these terms mean. Even after reading the description, it remains confusing what could be meant in the claims. It has to be possible to understand the claims by reading the claims alone. What is and what is not a "textual meaning" is also not clear.
